

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSE GARCIA,

Petitioner,

v.

Case No. 14-cv-1161 JCH/GBW

J. WRIGLEY and GARY KING,
Attorney General of the State of New Mexico,

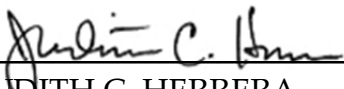
Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

This matter is before the Court pursuant to the Magistrate Judge's Proposed Findings and Recommended Disposition ("PFRD"), filed on August 31, 2015. *Doc. 15*. In the PFRD, the Magistrate Judge rejected Petitioner's arguments that his trial was unfair due to (1) allegedly tainted evidence; (2) prosecutorial misconduct; (3) ineffective assistance of counsel; and (4) trial counsel's pursuing a self-defense theory of innocence that prevented him from testifying as to his actual innocence. *Id.* at 4-5. The PFRD notified Petitioner that a failure to file objections to the PFRD within the required time waives appellate review. *See id.* at 23.

To date, Petitioner has not filed any objections, and there is nothing in the record indicating that the proposed findings were not delivered. Upon review of the record, the Court concurs with the Magistrate Judge's conclusions in the PFRD.

Wherefore, IT IS HEREBY ORDERED that the PFRD, (*doc. 15*), is ADOPTED and that the petition is DISMISSED with prejudice. A final order dismissing the case will be filed herewith.



JUDITH C. HERRERA
UNITED STATES DISTRICT JUDGE